



UNITED STATES PATENT AND TRADEMARK OFFICE

ck

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,020	09/29/2000	Thomas J. Gardella	0609.4820002/SRL/TBB	2982

26111 7590 05/31/2005

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

MURPHY, JOSEPH F

ART UNIT PAPER NUMBER

1646

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental

Notice of Allowability

Application No.

09/672,020

Examiner

Joseph F. Murphy

Applicant(s)

GARDELLA ET AL.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 1/13/2005.
2. ☒ The allowed claim(s) is/are 1, 8, 10-12, 42-44 renumbered as 1, 2, 3-5, 6-8.
3. ☒ The drawings filed on 29 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

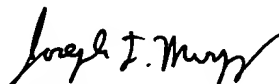
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JOSEPH MURPHY
PATENT EXAMINER

RD

Art Unit: 1646

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victoria Rutherford and Paul Calvo on 4/5/2005.

The application has been amended as follows:

In the Claims:

42. A polypeptide having an amino acid sequence, said sequence consisting essentially of a sequence selected from the group consisting of:

(a) AlaValAlaGluIleGlnLeuMetHisX₀₁X₀₂X₀₃LysX₀₄ (SEQ ID NO: 1);

(b) N- or C- terminal chemical derivatives of said polypeptide having an amino acid sequence of SEQ ID NO: 1; and

(c) fragments containing amino acids 1-9, 1-10, 1-11, 1-12 or 1-13 of said polypeptide having an amino acid sequence of SEQ ID NO: 1;

wherein:

X₀₁ is Ala, Asp or Gln;

X₀₂ is Leu, Arg or homoArg;

X₀₃ is Arg or Ala; and

X₀₄ is Phe or Trp;

and wherein said polypeptide binds to a PTH-I receptor.

Art Unit: 1646

44. A polypeptide having an amino acid sequence, said sequence consisting essentially of a sequence selected from the group consisting of:

(a) A1aVa1AlaGluIleGlnLeuMetHisX₀₁X₀₂X₀₃LysX₀₄ (SEQ ID NO:1);

(b) N- or C- terminal chemical derivatives of said polypeptide having an amino acid sequence of SEQ ID NO:1; and

(c) fragments containing amino acids 1-9, 1-10, 1-11, 1-12 or 1-13 of said polypeptide having an amino acid sequence of SEQ ID NO:1;

wherein:

X₀₁ is Ala, Asp or Gln;

X₀₂ is Leu, Arg or homoArg;

X₀₃ is Arg or Ala; and

X₀₄ is Phe or Trp;

and wherein said polypeptide binds to an hDeINt receptor.

Advisory Information

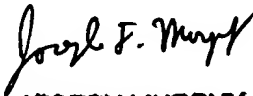
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Murphy whose telephone number is (571) 272-0877. The examiner can normally be reached Monday through Friday from 7:30 am to 5:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tony Caputa, can be reached on (571) 272-0829.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1646

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph F. Murphy, Ph. D.
Primary Examiner
Art Unit 1646
May 25, 2005


JOSEPH MURPHY
PATENT EXAMINER